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KEN BENNETT
SECRETARY OF STATE

CHAPTER 46

HOUSE BILL 2330

AN ACT

AMENDING SECTION 41-2083, ARIZONA REVISED STATUTES; RELATING TO BIODIESEL
FUEL DISPENSERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-2083, Arizona Revised Statutes, is amended to
3 read:

4 41-2083. Standards for motor fuel; exceptions

5 A. Except as provided in section 41-2083.01 and subsections C, D, E,
6 F, G, K and L of this section, a retail seller or fleet owner shall not
7 store, sell or expose or offer for sale any motor fuel, kerosene, oil or
8 other liquid or gaseous fuel or lubricating oil, lubricant, mixtures of
9 lubricants or other similar products if the product fails to meet the
10 standards specified in this section and in the rules adopted by the director.

11 B. A person shall not misrepresent the nature, origination, quality,
12 grade or identity of any product specified in subsection A of this section or
13 represent the nature, origination, quality, grade or identity of such product
14 in any manner calculated or tending to mislead or in any way deceive. This
15 subsection does not prohibit product origination disclaimer labeling on the
16 retail dispenser.

17 C. After consultation with the director of the department of
18 environmental quality, the standards and test methods for motor fuels shall
19 be established by the director of the department of weights and measures by
20 rule.

21 D. Maximum vapor pressure for gasoline that is supplied or sold by any
22 person and that is intended as a final product for the fueling of motor
23 vehicles in a county with a population of one million two hundred thousand or
24 more persons and any portion of a county contained in area A as defined in
25 section 49-541 shall be 9.0 pounds per square inch from and after September
26 30 through March 31 of each year. Fuel used in motor vehicles at a
27 manufacturer's proving ground or a motor vehicle racing event as defined by
28 section 41-2121 is exempt from this subsection.

29 E. From and after September 30 through March 31 of each year a person
30 shall not supply or sell gasoline that exceeds the ASTM D4814 class A vapor
31 pressure/distillation class ten volume per cent evaporated distillation
32 temperature.

33 F. Maximum vapor pressure for gasoline that is supplied or sold by any
34 person and that is intended as a final product for the fueling of motor
35 vehicles in a county with a population of one million two hundred thousand
36 persons or more and any portion of a county contained in area A as defined in
37 section 49-541 shall be 7.0 pounds per square inch from and after May 31
38 through September 30 of each year. Fuel used in motor vehicles at a
39 manufacturer's proving ground or a motor vehicle racing event as defined by
40 section 41-2121 is exempt from this subsection.

41 G. Exclusively for the purposes of transportation conformity and only
42 if the administrator of the United States environmental protection agency
43 fails to approve the applicable plan required pursuant to section 49-406,
44 maximum vapor pressure for gasoline that is supplied or sold by any person
45 and that is intended as a final product for the fueling of motor vehicles in

1 area B as defined in section 49-541 shall be ten pounds per square inch from
2 and after September 30 through March 31 of each year. Fuel used in motor
3 vehicles at a manufacturer's proving ground or a motor vehicle racing event
4 as defined by section 41-2121 is exempt from this subsection.

5 H. Notwithstanding subsections D, F and G of this section, the
6 director of the department of weights and measures in consultation with the
7 director of the department of environmental quality shall approve alternate
8 fuel control measures that are submitted by manufacturers or suppliers of
9 gasoline and that the directors determine will result in either of the
10 following:

11 1. Motor vehicle carbon monoxide emissions that are equal to or less
12 than emissions that result under compliance with subsection D of this section
13 and section 41-2123. In making this determination, the director of the
14 department of weights and measures and the director of the department of
15 environmental quality shall compare the emissions of the alternate fuel
16 control measure with the emissions of a fuel with a maximum vapor pressure
17 standard as prescribed by this section and with the minimum oxygen content or
18 percentage by volume of ethanol as prescribed by section 41-2123.

19 2. Motor vehicle non-methane hydrocarbon emissions that are equal to
20 or less than the emissions that result under compliance with subsection F of
21 this section. In making this determination, the director of the department
22 of weights and measures and the director of the department of environmental
23 quality shall compare the motor vehicle non-methane hydrocarbon emissions of
24 the alternate fuel control measure with the motor vehicle non-methane
25 hydrocarbon emissions of a fuel that complies with the maximum vapor pressure
26 standard as prescribed by subsection F of this section.

27 I. Any alternate fuel control measures that are approved shall not
28 increase emissions of non-methane hydrocarbons, particulates, carbon monoxide
29 or oxides of nitrogen. Alternate fuel control measures approved pursuant to
30 subsection H of this section and this subsection may be used by any
31 manufacturer or supplier of gasoline unless the approval is rescinded more
32 than one hundred eighty days before the first day of a gasoline control
33 period. Manufacturers and suppliers who use an approved alternate fuel
34 control measure shall annually submit a compliance plan to the director of
35 the department of weights and measures no later than sixty days before the
36 first day of a gasoline control period.

37 J. A person shall not sell or offer or expose for sale diesel fuel
38 grade 1, 2 or 4 as defined in ASTM D975 that contains sulfur in excess of:

39 1. For low sulfur diesel fuel, five hundred parts per million by
40 weight for use in area A as defined in section 49-541.

41 2. For ultra low sulfur diesel fuel, the amount that conforms with 40
42 Code of Federal Regulations section 80.520(a)(1).

43 K. A person shall not sell or offer or expose for sale diesel fuel,
44 BIODIESEL or biodiesel blends that contain sulfur in excess of five hundred
45 parts per million for use in area A as defined in section 49-541.

1 ~~L. Except for biodiesel blends that contain up to five per cent~~
2 ~~biodiesel, A person shall label dispensers at which biodiesel or BIODIESEL~~
3 ~~blends of diesel fuel and biodiesel are dispensed in such a manner as to~~
4 ~~notify other persons of the volume percentage of biodiesel in the finished~~
5 ~~product and that conforms~~ IN CONFORMANCE with 16 CODE OF FEDERAL REGULATIONS
6 PART 306 AND 40 Code of Federal Regulations sections 80.570, 80.571, 80.572,
7 80.573 and 80.574 ~~to inform the customer of the sulfur content of the diesel~~
8 ~~fuel being dispensed. For biodiesel blends that contain THIS SECTION DOES~~
9 NOT PRECLUDE A PERSON FROM LABELING A DISPENSER THAT DISPENSES DIESEL FUEL
10 THAT CONTAINS up to five per cent biodiesel, ~~the label on the dispenser shall~~
11 ~~state~~ WITH A LABEL THAT STATES "may contain up to five per cent biodiesel".

12 ~~M. A person shall prepare the product transfer documents in a manner~~
13 ~~that notifies the transferee of any percentage of biodiesel in the finished~~
14 ~~product.~~

15 M. FOR BIODIESEL BLENDS THAT CONTAIN MORE THAN FIVE PER CENT BY VOLUME
16 OF BIODIESEL, a person shall prepare the product transfer documents in a
17 manner that notifies the transferee of ~~any percentage~~ THE PER CENT BY VOLUME
18 of biodiesel in the finished product. FOR DIESEL FUEL THAT CONTAINS FIVE PER
19 CENT OR LESS BY VOLUME OF BIODIESEL, A PERSON SHALL PREPARE PRODUCT TRANSFER
20 DOCUMENTS IN A MANNER THAT NOTIFIES THE TRANSFEE OF ANY VOLUME PER CENT OF
21 BIODIESEL INTENTIONALLY ADDED TO OR KNOWN BY THE TRANSFEROR TO BE IN THE
22 PRODUCT.

23 N. The director shall adopt rules regarding the establishment and
24 enforcement of all of the following:

25 1. National or federal standards for individual biofuels and biofuel
26 blends.

27 2. United States environmental protection agency and ASTM test methods
28 for individual biofuels and biofuel blends.

29 3. Registration and reporting requirements for producers, blenders and
30 suppliers of biofuels and biofuel blends.

31 4. Labeling requirements for biofuels and biofuel blends other than
32 biodiesel OR BIODIESEL BLENDS.

33 5. Quality assurance and quality control programs for producers,
34 blenders and suppliers of biofuels and biofuel blends addressing rack, batch
35 or other blending.

36 6. Requirements that the dispensing equipment meet appropriate
37 UL ratings where available and applicable, that the equipment comply with
38 rules adopted by the department relating to approval, installation and sale
39 of devices and that the equipment be compatible with the products being
40 dispensed.

41 O. A biofuels or biofuel blends producer, blender, distributor,
42 supplier or retail seller that is in compliance with this section and the
43 rules adopted pursuant to this section is not liable to a consumer for any
44 injuries or property damage related to a consumer who misfuels.

1 P. A person shall label each dispenser at which ultra low sulfur
2 diesel fuel is dispensed in a manner that conforms with 40 Code of Federal
3 Regulations sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the
4 customer of the sulfur content of the diesel fuel being dispensed.

5 Q. A person shall label each dispenser at which low sulfur diesel fuel
6 is dispensed in a manner that conforms with 40 Code of Federal Regulations
7 sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the customer of
8 the sulfur content of the diesel fuel being dispensed.

9 R. If any person transfers custody or title of a diesel fuel or
10 distillate, except if the diesel fuel is dispensed into a motor vehicle or
11 nonroad, locomotive or marine equipment, the transferor shall provide to the
12 transferee product transfer documents that conform with 40 Code of Federal
13 Regulations section 80.590.

14 S. If the transfer of a motor fuel is from a terminal, storage
15 facility, or transmix facility, the product transfer documents shall contain
16 the information prescribed in subsection Q- R of this section as well as the
17 name and address of the final destination for the shipment, as prescribed by
18 department rule, and must accompany the shipment to its final destination.

APPROVED BY THE GOVERNOR JULY 10, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 10, 2009.